

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
FEBRUARY 4, 2004

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on February 4, 2004, commencing at 9:00 a.m.

Ms. Green called the roll to establish a quorum.

Dr. Larry Arnold, Chairman
Dr. James T. Galyon, Chairman Pro Tem
Mr. Ron Arrison
Ms. Charlotte Burns
Ms. Elizabeth Chadwell
Ms. Annette Couch
Dr. Clifton Exum
Mr. Robert Gordon
Mr. James Hastings
Dr. Terry Horgan
Mr. Albert Jones
Ms. Geraldine Smelcer
Dr. Joe T. Walker
Mr. James Whaley
Dr. Jon Winter
Ms. Betty Zier

Members not present:

Dr. Duane Budd
Dr. Douglas Leahy
Dr. Roxane Spitzer

Present and representing the Office of General Counsel:

Mr. Ernie Sykes

Also present:

Ms. Katy Gammon, Director, Health Care Facilities
Ms. Cathy Green, Director, Board for Licensing
Ms. Anita Van Tries, Board Administrator
Ms. Faye Vance, East TN Regional Administrator
Ms. Shirley Jones, West TN Regional Administrator
Ms. Nina Monroe, Middle TN Regional Administrator
Mr. Bill Harmon, Director of Engineering

APPROVAL OF MINUTES

The first order of business was approval of the November 5, 2003 minutes.

Motion was made by Mr. Arrison, seconded by Dr. Galyon to approve the minutes as written with the correction of one misspelled word.

Motion carried.

REPORTS TO THE BOARD

Trauma Care Advisory Council

Mr. Joe Phillips, Director of EMS, could not be present to give a report for his department.

Nurse Aid Training

Ms. Johnson presented the Nurse Aide Training Program report.

Department Report

In her departmental report, Ms. Green gave an update on Unusual Events, a report on Hospital Diversion advising the members that the task force has been reactivated with Charlotte Burns agreeing to represent the Board, and a report on Proposed Legislation.

DISCUSSION

Woods Memorial Hospital, Etowah

Officials with Woods Memorial Hospital advised the Department by letter that they were unable to continue with renovation plans for the birthing center at the hospital. In October 2002 they were granted a 12-month extension of a waiver granted in November of 2000 to allow time for the renovation.

Medical Clinics in Correctional Facilities

Ernie Sykes responded to a question posed by Dr. Horgan at the November meeting as to whether the Board has jurisdiction over medical clinics that are located within correctional facilities. He informed the Members that the Board does not have the jurisdiction nor does the Department of Health have any such jurisdiction. The Department of Corrections Administration of Institutions governs correctional facility medical clinics.

REGULATIONS

APPROVAL TO GO TO RULEMAKING HEARING

Hospital Rules 1200-8-1 - Revision to Critical Access Hospitals as a result of Medicare Modernization Act of 2003.

Motion was made by Mr. Whaley, seconded by Dr. Galyon to:

SEND THE HOSPITAL RULES FOR FINAL FILING.

Motion carried.

Home Medical Equipment Rules 1200-8-29 to incorporate Board Policy 62 into the rules related to the competency for respiratory technicians.

Ms Chadwell made a motion that was seconded by Mr. Gordon to:

FORWARD THE HOME MEDICAL RULES FOR FINAL FILING.

Motion carried.

APPROVAL FOR FINAL FILING

Ambulatory Surgical Treatment Center Rules 1200-8-29

Motion was made by Dr. Galyon, seconded by Mr. Arrison to:

SEND THE AMBULATORY SURGICAL TREATMENT CENTER RULES FOR FINAL FILING.

Motion carried by roll call vote.

WAIVER REQUESTS

Moving to the waiver portion of the agenda, Ms. Green gave a brief summary of each of the following waiver requests:

AMSURG CORPORATION

Judith Marquand, Director of Clinical Services and Dr. Paul Mazzoni, Anesthesiologist, presented a request for a waiver of ASTC Rule 1200-8-10-.06(g), the requirement that each facility maintain thirty-six ampules of dantrolene for injection on site, for the following facilities: St. Thomas Medical Group Endoscopy Center, Nashville; The Endoscopy Center of Knoxville; Mid-South Endoscopy Center, Columbia and Digestive Disorders Endoscopy Center, Chattanooga.

Dr. Galyon made the motion seconded by Mr. Arrison to:

GRANT AMSURG A WAIVER OF ASTC RULE 1200-8-10-.06(g) FOR ST. THOMAS MEDICAL GROUP ENDOSCOPY CENTER, NASHVILLE, THE ENDOSCOPY CENTER OF KNOXVILLE, MID-SOUTH ENDOSCOPY CENTER OF COLUMBIA AND DIGESTIVE DISORDERS ENDOSCOPY CENTER, CHATTANOOGA.

Motion carried.

Dr. Galyon made a motion seconded by Mr. Whaley that:

THE BOARD ESTABLISH POLICY THAT AN AMBULATORY SURGICAL TREATMENT CENTER NOT BE REQUIRED TO HAVE THIRTY-SIX AMPULES OF DANTROLENE PRESENT IN THE FACILITY WHERE GENERAL ANESTHESIA IS NOT ADMINISTERED.

Motion carried.

NHC HEALTHCARE, NASHVILLE

Dan Elrod, the attorney for NHC Nashville presented a waiver request to hold their license in an inactive status until the third quarter board meeting in August.

Motion was made by Dr. Walker, seconded by Mr. Arrison to:

GRANT NHC HEALTHCARE OF NASHVILLE THEIR REQUEST TO HOLD THEIR LICENSE IN AN INACTIVE STATUS UNTIL THE AUGUST 4, 2004 BOARD MEETING.

Motion carried.

NHC HEALTHCARE, FRANKLIN

Dan Elrod, the attorney representing NHC Healthcare, Franklin, presented their request to hold their license in an inactive status for 120 days beginning the date on which the Cool Springs facility is licensed.

Mr. Arrison made the motion seconded by Dr. Galyon to:

GRANT NHC HEALTHCARE OF FRANKLIN A WAIVER TO HOLD THEIR LICENSE IN AN INACTIVE STATUS FOR SIX MONTHS.

Motion carried.

MID-SOUTH BIRTH AND WOMEN'S CENTER, OAKLAND

Let the record show that Robert Gordon recused himself.

Pam Jones, a Vanderbilt faculty member who works with the Kellogg Birth Center Network presented a request for a waiver of fixed gas piping as required by AIA Guidelines, Chapter 9.7, NFPA 99, Chapter 21.3.5 and Birthing Center Rules 1200-8-24.06(3)(c).

Motion was made by Dr. Galyon, seconded by Dr. Horgan to:

GRANT A WAIVER OF THE FIXED MEDICAL GAS PIPING REQUIREMENT TO MID-SOUTH BIRTH AND WOMEN'S CENTER.

Motion carried.

CLAIBORNE COUNTY HOSPITAL AND NURSING HOME, TAZEWell

Tim Brown requested a waiver to be allowed to serve as administrator of this nursing home while he completes application for his Tennessee Nursing Home Administrator license.

Dr. Galyon made a motion, seconded by Mr. Arrison, to:

GRANT A SIX MONTH WAIVER TO ALLOW MR. BROWN TO SERVE AS ADMINISTRATOR OF CLAIBORNE COUNTY NURSING HOME WHILE HE COMPLETES APPLICATION FOR HIS NURSING HOME LICENSE.

Motion carried.

LAUREL MANOR HEALTH CARE, NEW TAZEVELL

Greg Byrge, Regional Vice President with Diversicare, presented a request for a waiver to allow Elbert Mask to serve as administrator of Laurel Manor Health Care while he completes application to reactivate his Tennessee Administrator License.

Motion was made by Mr. Arrison, seconded by Mr. Gordon, to:

GRANT A SIX MONTH WAIVER TO ALLOW MR. MASK TO SERVE AS ADMINISTRATOR OF LAUREL MANOR HEALTH CARE WHILE HE REACTIVATES HIS TENNESSEE NURSING HOME ADMINISTRATOR LICENSE.

Motion carried.

OTHER BUSINESS

Dr. Galyon expressed concern regarding the number and status of past waivers granted by the Board. Of particular interest were the ones involving institutions that were granted sprinkler waivers.

Ms Gammon told the members that she did not have the exact number but she would get that information and see that that it was mailed to them before the next meeting.

Dr. Galyon requested a breakdown on the ambulatory surgical treatment centers incident reports.

Members agreed that they would be more comfortable with a follow-up report on waivers granted but decided to discuss the matter further at the next meeting.

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

James T. Galyon, M. D.